

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Frame, Anne D.)	Group Art Unit:	1655
Serial No.: 10/500,098)	Examiner:	Patricia A. Leith
Filed: 06/24/04)	Attorney Docket No.:	83622.00003
Title: Anti-bacterial Plant Compositions)		

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111 AND RESPONSE TO

NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This communication is in response to Notice of Non-Compliant Amendment (“Notice”) mailed December 28, 2009, providing one month for response. Accordingly, no fees are believed due at this time. However, should the Commissioner at anytime deem a fee is due, the Commissioner is authorized to charge any fee in conjunction with this patent application, now or at any time during prosecution (with the exception of the fee for allowance) to our Account Number 501479.

Response to the Notice

The Examiner requests an indication as to “what part(s) of the original disclosure supports the new claims.”

The recitation of the new claims 63-66 is supported, *inter alia*, by the specification starting with page 4, lines 26 to the end of page 5; page 8, lines 8-16; Example 4; Table 5; originally filed Claim 16. The Applicant’s representative believes that the Examiner is in particular asking for indication for support in particular to the recitation of the element “selecting a fraction showing antibacterial activity and comprising stigmastan-3,5,-diene or cobaltocene octamethyl” which has been rarely or not at all previously recited. It should be noted that the new claims relate to fractions from *Mammea Americana* – see Claim 63. Support in particular for this element can be found at page 5, lines 23-29; page 8, lines 8-16; and Table 5.